

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LONNIE LEE BANARK,
Plaintiff,
v.
ADAMS, et al.,
Defendant

Case No. 2:15-cv-00546-RFB-CWH

**ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
CARL W. HOFFMAN**

Before the Court is the Report and Recommendation of United States Magistrate Judge Carl W. Hoffman (ECF No. 49) (“R&R” or “Recommendation”) which recommended denying all pending motions as moot in light of finding that the parties had reached a binding settlement. (ECF No. 45, 49). The parties had until October 14, 2016 to object to the R&R. Although no objections have been filed, Plaintiff did file a notice of appeal (ECF No. 51).

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. See

1 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
2 of review employed by the district court when reviewing a report and recommendation to
3 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
4 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
5 view that district courts are not required to review "any issue that is not the subject of an
6 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
7 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
8 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
9 which no objection was filed).

10 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
11 determine whether to adopt Magistrate Judge Hoffman's R&R. The Magistrate Judge
12 recommended denying all pending motions as moot because this Court had found that
13 the parties had engaged in a binding settlement agreement. (ECF No. 49 at 1). Upon
14 reviewing the R&R and underlying briefs, this Court finds good cause to adopt the
15 Magistrate Judge's Recommendation in full.

16 **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that the Report
17 and Recommendation of Magistrate Judge Carl W. Hoffman (ECF No. 49) is accepted
18 and adopted in its entirety.

19 **IT IS FURTHER ORDERED** that all of Plaintiff's outstanding motions (ECF No.
20 19, 23, 46, 50) are denied as moot.

21 **IT IS FURTHER ORDERED** that the Clerk of the Court shall close this case in
22 light of the parties' settlement (ECF No. 45) and enter judgment accordingly.

DATED this 18th day of November 2016.

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**RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE**